

ELECTRONIC

May. 7, 2008

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

**08-21340-CIV-GOLD/WHITE**

DUANE R. OLSON,  
Applicant/Prisoner,

Versus

MR. JORGE PASTRANA, WARDEN,  
Representing,  
THE UNITED STATES OF AMERICA,  
Respondent/Defendant.

REGISTERED MAIL  
7006 0810 0004 9229 4163  
RETURN RECEIPT REQUESTED

CIVIL ACTION:

**08 C 3505**

**JUDGE LEINENWEBER**

**FILED**

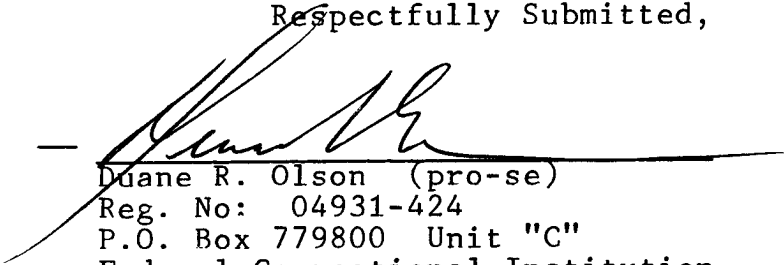
**JULY 18, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

AN APPLICATION FOR  
WRIT OF HABEAS CORPUS RELIEF  
Pursuant To The Provisions In  
Title 28, United States Code, Section **2241(c)(3)**.

Respectfully Submitted,

Applicant/Prisoner

  
Duane R. Olson (pro-se)  
Reg. No: 04931-424  
P.O. Box 779800 Unit "C"  
Federal Correctional Institution  
Miami, Florida 33177-0200

cat/div Dade Co. / 2241  
Case # 08CV21340  
Judge AS Mag PAW  
Motn lfp NO Fee pd \$ 0  
Receipt # \_\_\_\_\_

A F F I D A V I T and D I S C L A I M E R

I, DUANE R. OLSON, do hereby Swear and Certify, under the pain and penalty for perjury, Prescribed in Title 28, United States Code, Section 1746;

That I am an Individual and Citizen of the Sovereign State of Florida, and NOT subject to any real, imaginary, or quasi statutory regulations Enacted by the Ninety-First Congress, Enforced by the Executive Branch, and Punished by the Judicial Branch, of the FEDERAL CORPORATION and GOVERNMENT of the UNITED STATES of AMERICA;

That as an Individual, I Stand Upon My Rights such as Existed by Common Law long antecedent to the Organization of the Republic of the United States of America, and;

I Stand Upon My Constitutional Rights Guaranteed by the Original Ten (10) Articles of Amendment thereto; that My Common Law Rights can ONLY be "taken-away" from Me by "due process of law" and in accordance with the Constitution.

Further . . .

That I have NEVER Signed ANY Contract or other Obligation with the Attorney General of the United States, or the DRUG ENFORCEMENT AGENCY (DEA) of the United States Department of Justice, that would bind Me to the "regulatory-jurisdiction" Elements of the DEA'S DIVERSION CONTROL PROGRAM, FORM 224A, (See -iii-) of

AFFIDAVIT and DISCLAIMER (Continued)

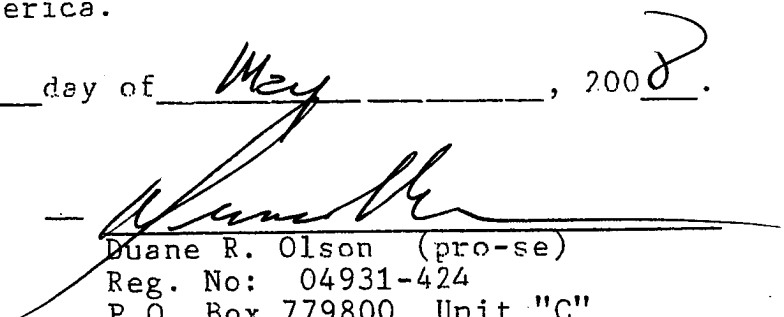
Public Law: 91-513, THE COMPREHENSIVE DRUG ABUSE and PREVENTION ACT of 1970, Short Title, CONTROLLED SUBSTANCE ACT, (CSA), Codified and Amended to the FOOD and DRUGS ACT as Title 21, United States Code, Section(s) 801., et., al., and;

Finally . . .

That I have never Surrendered ANY of My Sovereign, Personal, or "[u]nalienable Rights" to the Central Government of the Republic of the United States of America.

Executed on this 1<sup>st</sup> day of May, 2008.

Affiant

  
Duane R. Olson (pro-se)  
Reg. No: 04931-424  
P.O. Box 779800 Unit "C"  
Federal Correctional Institution  
Miami, Florida 33177



Drug Enforcement Administration

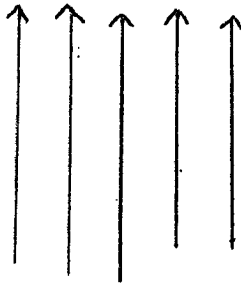
**DIVERSION CONTROL PROGRAM**

**DEA FORM 224A**

**HELP**

Federal registration by DEA is based upon the applicant being in compliance with applicable state and local laws. Applicants should contact the local state licensing authority prior to completing this application. If your state requires a separate controlled substance license, provide the number.

General Instructions.



**3. State Licenses**

All applicants are required to answer the following:

Are you currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate?

\* State License

☒ Yes

State License No. [REDACTED]

State Controlled Substance License

☐ Yes

State Controlled Substance No. [REDACTED]

*Fields with a (\*) are required.*

[REDACTED]

[REDACTED]

[REDACTED]

NOTE HEADING: "DIVERSION CONTROL PROGRAM"

DOCKETS

US-V-OLSON, ET AL PROCEEDINGS

11 filed appearance of DEUTSCH, MICHAEL as attorney for defendant (Dkt'd 07/09/90).

15 Motion by government filed (MOT#1) (Government's emergency motion for revocation of release orders.) (Dkt'd 07/11/90).

18 Motion by government granted (MOT#1) (Government's emergency motion for revocation of release orders continued from July 6, 1990 is granted. Defendant's are hereby ordered detained before trial.) (JUDGE LINDBERG) (Dkt'd 07/18/90).  
Bail not allowed (Defendant's are hereby ordered detained pending trial.) (JUDGE LINDBERG) (Dkt'd 07/18/90).

19 filed transcript of proceedings for 07/03/90 (1 vol.) (Dkt'd 07/23/90).

20 Order filed (Draft. Enter detention order: Defendants, Duane R. Olson and George A. Morris, shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, in from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with counsel, and on order of a Court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendants are confined shall deliver the defendants to a U.S. Marshal for the purpose of an appearance in connection with a court proceeding.) (JUDGE LINDBERG) (Dkt'd 07/26/90).

21 Case assigned to JUDGE ZAGEL (Magistrate Leftow designated. (Dkt'd 07/27/90).  
22 filed indictment (Dkt'd 07/27/90) (CHIEF JUDGE Bail not allowed (Detained by Magistrate.) (CHIEF JUDGE MORAN) (Dkt'd 07/27/90).  
23 - filed criminal designation sheet. (fel. cat. II). (Dkt'd 07/27/90).

24 Arraignment and plea set for 07/30/90 a 10:00 AM (Counts 1, 2,3) (Dkt'd 07/27/90).

25 Arraignment and plea reset to 07/31/90 a 10:00 AM (Counts 1, 2,3) (JUDGE ZAGEL) (Dkt'd 08/01/90).

26 Arraignment held (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 08/03/90).  
26 Defendant's first appearance (JUDGE ZAGEL) (Dkt'd 08/03/90).

ACTIVE CRIMIT  
CR-90-00577-01

62

01/09/91 63

63

01/24/91 66

66

02/01/91 65

65

02/08/91 57

68

-A-

70

04/01/91 71

71

04/11/91 72

72

04/15/91 73

04/18/91 63

63

ACTIVE CRIMINAL

ILL-N(CHICAGO) 05/16/92

CR-90-00577-01

PAGE 10

\*\*\* GRID #16 \*\*\*

US-V-OLSON, ET AL

PROCEEDINGS

05/01/91 91 Trial held-jury (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/01/91)

05/01/91 91 Jury trial adjourned to 05/01/91 at 8:30 AM (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/01/91) is directed to PRY for one

05/01/91 91 Order filed (The Clerk of Court is directed to PRY for one coffee, rolls, and chips for thirteen jurors.) (JUDGE ZAGEL) (Dkt'd 05/01/91)

05/01/91 91 Juror excused due to illness.

05/01/91 91 Trial held-jury (Counts 1,2,3) (both sides rest.) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 92 Jury trial adjourned to 05/07/91 at 10:00 AM (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 92 Order filed (The Clerk of Court is directed to PRY for coffee, rolls, and chips for thirteen jurors.) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 92 Trial held-jury (Counts 1,2,3) (Closing arguments made by jury instructed and deliberations begin. Alternate juror discharged.) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 93 Order filed (The Clerk of Court is directed to PRY for coffee, rolls, and chips for thirteen jurors.) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 93 Order filed (The Clerk of Court is directed to PRY for coffee and rolls for twelve jurors.) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Filed jury instructions (given) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Trial held-jury (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Trial ends-jury (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Jury verdict of guilty (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Order cause referred to the Department for a pre-sentence investigation (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Court judgment of guilty (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Post-trial motions to be filed on or before 05/24/91 (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Sentencing set for 08/13/91 at 2:00 PM (Counts 1,2,3) (Order sentencing set for 08/13/91 at 2:00 PM (Counts 1,2,3) (JUDGE ZAGEL) (Dkt'd 05/07/91)

05/01/91 94 Sentencing reset to 09/10/91 (Counts 1-3) (JUDGE ZAGEL) (Dkt'd 08/22/91)

05/01/91 100 Motion filed (MOT #24) (for an adjudication of legal evidence on factual issues

05/01/91 101

06/27/90

ACTIVE CRIMINAL

CR-90-00577-1

1

5

5

5

5

6

7

8

5

6

7

8

07/03/90 14

12/10/93 53

02/01/93 4

02/19/92 1

.....

ACTIVE CRIMINAL

6 of 43

ACTIVE CRIMINAL DOCKETS ILL-N(CHICAGO) 05/16/92 \*\*\* GRID 616 PAGE 11  
CR-90-00577-01 US-V-OLSON, ET AL PROCEEDINGS

attached.) (dkt'd 08/22/91).

08/13/91 102 Sentencing reset to 09/10/91 a 2:00 PM (Counts 1-3) (JUDGE ZAGEL) (dkt'd 08/22/91).

09/10/91 106 Sentencing reset to 09/11/91 a 11:30 AM (Counts 1,2,3) (JUDGE ZAGEL) (dkt'd 09/20/91).

09/11/91 107 Order filed (Defendant's motion for finding of governmental misconduct is denied.) (JUDGE ZAGEL) (dkt'd 09/25/91).  
109 Motion made in open court for appointment of counsel (MOT#26) (Gregory Schlesinger, motion is continued until further order of court.) (JUDGE ZAGEL) (dkt'd 10/02/91).  
>>>>>>110 Sentencing of defendant (Counts 1-3) (The sentence is 15 years imposed pursuant to the Sentencing Reform Act of 1984. It is ordered that the defendant shall pay a special assessment of \$150.00, for counts 1, 2 and 3, which shall be due immediately. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THREE HUNDRED TWENTY-FOUR (324) MONTHS. Said term of imprisonment to be served concurrently on each counts 1, 2 and 3. The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of TEN (10) YEARS on each of counts 1, 2 and 3. Said term of supervised release to be served concurrently. Statement of Reasons.) (JUDGE ZAGEL) (dkt'd 10/02/91).

09/17/91 112 Filed notice of appeal (Counts 1-3) (APPL#1) (dkt'd 10/02/91).  
113 - Filed 9/17/91 jurisdictional statement. (dkt'd 10/02/91).

09/24/91 115 Motion filed (MOT#27) (for confinement within the Northern District of Illinois, with notice of filing attached.) (dkt'd 10/02/91).

09/25/91 Issued judgment and commitment to U.S. Marshal (Counts 1-3) (dkt'd 10/02/91).

10/03/91 116 Notice of appeal and docket entries transmitted to USCA (APPL#1) (dkt'd 10/03/91).  
117 - (APPL#1) (Filed letter mailed to appellant regarding Circuit Rule 3(c).) (dkt'd 10/03/91).

10/07/91 120 U.S. Court of Appeals docket number (91-3269) (dkt'd 10/09/91).

AN EXTRAORDINARY REQUEST

FOR AN IN CAMERA INSPECTION AND INVESTIGATION,  
by  
UNITED STATES DISTRICT COURT JUDGE,  
FOR THE NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION,  
THE HONORABLE JAMES B. ZAGEL.

April 17, 2008

REGISTERED MAIL  
7004 2840 0002 3348 1328  
RETURN RECEIPT REQUESTED

Subject: DUANE R. OLSON/CRIMINAL CASE NO: 90-cr-577

Your Honor;

I don't know if this procedure is acceptable jurisprudence or not, however, **extraordinary** circumstances require **extraordinary** action, and I believe I have 'discovered', for the want of a better word, a **fatal flaw** in the "due process" Requirements of the Fifth and Sixth Amendment "Rights" of . . . 'any person' . . . accused by the Government of the United States, to be; "[i]n violation of Title 21, United States Code, Section 841(a)(1)".

IF My '**discovery**' is correct, it will be a Matter of National Interest and Concern for hundreds of thousands of Men and Women from nearly every Nation on this Planet, with the potential at least, of self-elevating to A MATTER OF NATIONAL SECURITY!

While I have little Sympathy for the "MOVERS and SHAKERS", from the Executive and Judicial who Constructed this **FRAUD** I am . . . none-the-less . . . a Patriot who Loves this Still Young Republic "**WE**" like to call America . . .

**THEREFORE . . .**

-vii-



AN EXTRAORDINARY REQUEST  
For U.S. District Court Judge,  
The Honorable, JAMES B. ZAGEL

I am Offering My 'discovery' for Your Honor's Inspection and Investigation, to determine whether or not, My WRIT of HABEAS CORPUS Ought to be filed in Open Court, or "kicked up-stairs" first . . . for damage control . . .

Receiving **NO** Response from Your Honor's Chambers by May 1, 2008, I will Presume Your Honor to have NO Interest and I will proceed to Engage the Legal Talents of a well Respected Post-Conviction Attorney.

I trust this letter will be Interpreted with the same Sincere Consideration that went into its Construction.

Respectfully,

*[Signature]*  
Duane R. Olson  
Reg. No: 04931-424  
P.O. Box 779800 Unit "C"  
Federal Correctional Institution  
Miami, Florida 33177-0200

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>JUDGE ZAGEL</b>	
Postage \$ <b>7.14</b>	Postmark Here
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <b>DUANE R. OLSON UNIT "C"</b> Street, Apt. No., or PO Box No. <b>REG. NO: 04931-424</b> City, State, ZIP+4	

-viii-

<b>SENDER: COMPLETE THIS SECTION</b>	
1. Article Addressed to: <b>THE HONORABLE JAMES B. ZAGEL</b> <b>U.S. DISTRICT COURT</b> <b>NORTHERN DISTRICT OF ILLINOIS</b> <b>EASTERN DIVISION</b> <b>219 SOUTH DEARBORN STREET</b> <b>CHICAGO, ILLINOIS 60603</b>	
2. Article Number <b>PS Form 3</b>	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>COMPLETE THIS SECTION ON DELIVERY</b>	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature <i>[Signature]</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

92ET 94EE 2000 0692 4002

OPENING STATEMENT

COMES NOW, DUANE R. OLSON, (hereafter-Olson) in propria persona and want of Competent Counsel, to Respectfully File this Application for Habeas Corpus Relief Pursuant to Title 28, United States Code, Section 2241(c)(3), which states in relevant part;

"(c) The writ of habeas corpus shall not extend to a prisoner unless —

(3) He is in custody in violation of the Constitution or laws or treaties of the United States;"

---

On September 11, 1991, In United States District Court for the Northern District of Illinois, Eastern Division, Chicago, United States District Court Judge, The Honorable JAMES B. ZAGEL Presiding;

1). The Court did Impose a term of **324-months** in federal prison without parole, followed by Ten **(10)** years Supervised Release, 2). "[f]or an act of Congress", 3). "[i]n violation of the Constitution", 4). In violation of the "[l]aws of the United States", 5). In violation of Olson's Fifth and Sixth Amendment Rights, 6). In violation of American Jurisprudence Practiced in this Nation for over 200-years, 7). Repugnant to the Framers's Intent, 8). For Conduct NEVER Admitted by Olson and NEVER FOUND or AUTHORIZED by a jury of Olson's peers.

Olson's Theory of Constitution Law and Strategy of Argument Presented hereafter, is "[s]o novel that its legal basis is not reasonably available to counsel" (Reed v. Ross; 82 L Ed 2d 1) yet, It is a "STANDARD" of American Criminal Jurisprudence Practiced in this Nation for over 200-years.

Olson will rely on His Perpetual Protections Secured in the language of the Constitution for the United States, Guaranteed by the Original Ten (10) Articles of Amendment thereto, and Adjudicated Facts Opined by the Supreme Law of the Land, Supported by the prima facia evidence of Official Government documents, and District Court Records and transcripts hereto attached;

To prove "beyond a reasonable doubt", and to this Court's Complete Satisfaction, that Olson has been Convicted of Conduct "[t]hat the law (standing alone) does not make criminal" Davis v. U.S.; 41 L Ed 2d 109 (1974) and Sentenced to a term of 324-months in federal prison...without parole...for Conduct NEVER admitted, NEVER FOUND, or NEVER AUTHORIZED by a jury of Olson's peers . . .

THEREFORE . . .

IF Olson was "presumed-innocent" until every element necessary to constitute the punishment prescribed in Title 21, United States Code, Section 841(b) for; "[a]ny person who violates subsection (a) of this section" is proven . . . "beyond a reasonable doubt"; Then . . .

Olson remains procedurally, legally, constitutionally, actually, and factually . . . INNOCENT . . . of the 'crime' for which the District Court Imposed a term of 324-months in federal prison nearly 18 years ago!

"In other words, [Olson] contends that the Record reveals that neither he, nor his counsel, nor the Court, Correctly understood the essential elements of the crime" for which the Court Imposed Punishment. Bousley v. U.S.; 140 L Ed 2d 828 @ 837 (1998).

#### JURISDICTION

Jurisdiction to Hear, Adjudicate, and Render an Opinion on Olson's Application for Habeas Corpus Relief, is Conferred upon this Court by Virtue of Title 28, United States Code, Section 2241(c)(3)., and . . .

"Petitioners in habeas corpus proceedings, as the Congress and this Court have emphasized, are entitled to careful consideration and plenary processing of their claims including full opportunity for presentation of the relevant facts." Harris v. Nelson; 22 L Ed 2d 281 @ 290 (1969).

Olson would Rely on Bousley v. United States; 140 L Ed 2d 828 (May 18, 1998) Quoting; Murray v. Carrier; 91 L Ed 2d 397, @ 413 [9] (June 26, 1986) Quoting; Engle v. Isaac; 71 L Ed 2d 7832 (1982), "However, as we also noted in Engle, '[i]n appropriate

cases' the principles of comity and finality that inform the concepts of cause and prejudice 'must yield to the imperative of correcting a fundamentally **unjust incarceration**'." (Eph. added)

**Finally**, The Supreme's Promised that; "This Court has never held, however, that finality, standing alone, provides a sufficient reason for federal courts to compromise their protection of constitutional rights." Reed v. Ross; 82 L Ed 2d 1, @ 15.

Surely, the Ancient Principles of the Writ of Habeas Corpus Provide this Court with 'jurisdiction' to Investigate a federal prisoner's '**claim**' to be **innocent** of the '**crime**' for which he is Imprisoned . . . and IF Olson is able to prove "beyond a reasonable doubt" and to this Honorable Court's Complete Satisfaction, that Olson is actually and factually innocent of the '**crime**' for which the district court Imposed Punishment, then, Olson is Confident that this Court will Act to Correct this...**manifest miscarriage of justice**...as "[l]aw and justice require".

° ° °

?THE QUESTION?

I F it is TRUE . . . that a defendant in a federal criminal prosecution is "presumed-innocent", until "[a]ll the 'elements' necessary to constitute the offence intended to be punished" are proved "beyond a reasonable doubt" . . .

Does a federal prisoner, (herein Identified as **DUANE R. OLSON**) . . . remain . . . procedurally, legally, constitutionally, actually, and factually . . . **I N N O C E N T** . . . of the 'sentencing-element' of an offence NEVER Charged by Indictment, NEVER Denied by Olson, NEVER Admitted by Olson, NEVER proved by the prosecution, NEVER Charged in the Jury Instructions, and NEVER **F O U N D** or **A U T H O R I Z E D** by a jury of Olson's peers?

° ° °

AFFIDAVIT and STATEMENT OF FACT(S)  
in  
CRIMINAL CASE NO: 90 CR 577

---

In the Early Evening of June 25, 1990, Olson was arrested by Federal Drug Enforcement Agents (DEA) at the EMBASSY SUITES HOTEL, Lombard, Illinois, (a suburb of Chicago) during a cocaine transaction with a PAID informant.

On July 26, 1990, the Government filed a THREE COUNT Indictment. (Id., @ -iv-, Dkt # 21)(EXHIBITS [01] thru [05]).

Since all THREE COUNTS of Olson's Indictment contain the same **fatal-flaw**, in the interest of brevity, Olson will use COUNT TWO, EXHIBIT [04], for this demonstration . . .

The SPECIAL APRIL 1990 GRAND JURY Charges:

DUANE R. OLSON,

defendant herein, knowingly and intentionally did distribute and cause to be distributed approximately 250 grams of a mixture containing cocaine, a Schedule II Narcotic Drug Controlled Substance; In violation of Title 21, United States Code, Section 841(a)(1)."

Section 841(a)(1) of Title 21, is a 'negative' statute that makes it; "[u]nlawful for any person knowingly or intentionally" to possess, manufacture, distribute, or dispense, controlled substances "(a) Except as authorized by this subchapter" Referencing the "Authorized activities" of Title 21, United States Code, Sec-

tion 822(b)., a 'positive' statute that makes it 'lawful' for; "Persons registered by the Attorney General" to possess, manufacture, distribute, or dispense, controlled substances..."[t]o the extent authorized by their registration".

Title 21, United States Code, Section 841(b) Prescribes the Penalties for "[a]ny person who violates subsection (a) of this section . . ."

The actus reus/mens rea elements essential to be proved "beyond a reasonable doubt" by the prosecution to sustain a Conviction and Satisfy the "due process" Clause of Olson's Fifth Amendment "rights" and the "nature and cause of the accusation" Clause of Olson's Sixth Amendment "rights" are; 1). to knowingly or intentionally possess, manufacture, distribute, or dispense, a substance known to be controlled, 2). in a manner not authorized.

Careful Examination and Analysis of Olson's THREE COUNT Indictment at EXHIBITS [01-02-03-04-05] reveal that the SPECIAL APRIL 1990 GRAND JURY failed to 'inform' Olson, "[w]ith reasonable certainty of the 'nature' of the accusation against him [and] without any uncertainty or ambiguity, set forth all the elements necessary to constitute the offense intended to be punished". Russell v. U.S.; 8 L ed 2d 240)(U.S. v. Cruikshank; 23 L ed 588 @ 593)(U.S. v. Simmons; 24 L ed 819, 820)(U.S. v. Carl; 26 L ed 1135).

It is interesting to note, that from Oct. 26, 1981, Outler; 659 F 2d 1306 until July 29, 1998, Steele; 147 F 3d 1316 and for



a period of 17-years, the Eleventh Circuit Opined;

"We now conclude that this element [**Except as authorized**] is essential to a charge of the offense\*\*\*here the element embodies the culpability of the offense\*\*\* without behavior beyond professional practice, **THERE IS NO CRIME.**" (Emphasis added)

---

While the Circumstance of Dr. Outler and the Pharmacist Mr. Steele relative to the **Burden of proof exemption** (21 U.S.C. § 885) may have Changed the Opinion of the Eleventh Circuit over those 17-years, the essential elements of a "Complete-Crime" in the language of the Statute, Section 841(a)(1) DID NOT and furthermore . . . **Olson is not a registrant!** (See Id., @ -i-ii-)

At any rate, **NO** reasonable thinking person from the Legal Community would ever Champion an Argument that Congress has any Power to "take-away" Olson's Perpetual Protection(s) Secured by the Constitution and Guaranteed by the Original Ten Articles of Amendment thereto.

"It is difficult to imagine a case in which an indictment's insufficiency resulted so clearly in the indictment's **failure** to fulfill its primary office – to inform the defendant of the nature of the accusation against him." Russell v. U.S.; 8 L ed 2d 240 @ 252

**Unaware** of the **TRUE 'nature'** of His "crime", Olson went to trial with the Chief Issue . . . **undefined** . . . and a **failed defense** of "entrapment"!

On May 2, 1991, (Dkt # 93, Id., @ -v-) and after closing arguments by both sides, the "JURY INSTRUCTIONS" were read by the Court and directed to the jury of Olson's peers; **EXHIBITS [06] thru [14]** and in relevant part hereafter;

**Court:** "It is your duty to follow these instructions. You must not question any rule of law stated by me in these instructions."

**Olson's Comment:** During the jury selection phase, Olson recalls no jurer interviewed and selected to have claimed any legal knowledge.

**Court:** "In Count 2 of the indictment Duane Olson is charged with the distribution of cocaine. Title 21, United States Code, Section 841(a)(1)., provides in pertinent part;"

"It shall be unlawful for any person knowingly or intentionally to distribute or dispense a controlled substance." **EXHIBIT [10][11]**

---

**Comment:** Here, the Court's "truncated-version" of the Statute, Section 841(a)(1)., ORALLY 'amends' a Congressionally enacted Statute to make it; "[u]nlawful" for Olson, a Practitioner, a Pharmacist, or any person\* to "[k]nowingly or intentionally distribute or dispense a controlled substance".

---

\* any person — as used with the asterisk\* hereafter, means any person at random, Citizen or Foreign National, within the boundaries of the United States, its Territories, and/or Possessions.

**Court:** "In Count 3 of the indictment defendant Duane Olson [is] charged with possession of cocaine with the intent to distribute. Title 21 of the United States Code provides in pertinent part;"

"It shall be unlawful for any person\* knowingly and intentionally to distribute or dispense\*\*\*a controlled substance." **EXHIBIT [12]**

---

**Comment:** IT DOES NOT! Here, the Court ORALLY 'fabricates' the Congressionally Enacted Statute, Section 841(a)(1)., to Support the Indictment's "IMPLICATION" that Olson's Conduct is... UNLAWFUL... a class-room/text-book Example of; THE DOCTRINE of CONSTRUCTIVE IMPLICATION!

In Bousley v. U.S.; 140 L Ed 2d 828, @ 839, Quoting Davis v. U.S.; 41 L Ed 2d 109, U.S. v. Lanier; 137 L Ed 2d 432, and U.S. v. Hudson; 7 Cranch 32, 3 L Ed 259 (1812) the Supreme Court said; "For under our federal system it is only Congress, and not the courts, which can make conduct criminal."

"If it lies within the province of a court to change the charging part of an indictment to suit its own notions of what it ought to have been, or what the grand jury would probably have made it if their attention had been called to suggested changes, the great importance which the common law attaches to an indictment by a grand jury, as a prerequisite to a prisoner's trial for a crime, and without which the Constitution says 'no person shall be held to answer', may be frittered away until its value is almost destroyed." Ex parte Bain; L ed 849, U.S. v. Norris; 74 L ed 1076 Stirone v. U.S.; 4 L ed 2d 252.

**Court:** "I instruct you now that you are not to begin deliberations under any circumstances until that time that you receive from the Marshal the written instructions which I've just read..."

**EXHIBIT [14]**

**Comment:** NOW, the Court has **Memorialized in Writing** the Court's '**fabricated-version**' of the Statute, Section 841(a)(1) to **IMPLY** and **COMPLY** with the Indictment's '**truncated-version**' that Olson's Conduct is . . . **UNLAWFUL!**

With the Court's threat "not to question\*\*\*the written instructions which I've just read" . . . not Surprisingly . . . the jury "followed" the Court's Instructions and used the "[f]irst verdict form" to "[f]ind the defendant, DUANE R. OLSON, guilty as Charged in the indictment" . . . that is to say . . . the jury **FOUND Olson GUILTY of Conduct that NO federal law makes a crime or prescribes punishment for . . . but . . . the Court did both!**

**EXHIBIT ]14]**

On September 11, 1991, In United States District Court for the Northern District of Illinois, Eastern Division, Chicago, District Court Judge, The Honorable **JAMES B. ZAGEL**, Presiding, Imposed a Term of **324-months** Imprisonment plus **10-years** Supervised Release upon Olson; **EXHIBITS [15] thru [19]**, for Conduct **FOUND** by Olson's jury, to be; "[i]n violation of Title 21, United States Code, Section 841(a)(1)" . . .

Pursuant to the **Penalties** Prescribed in Title 21 USC § 841(b) "[f]or any person who violates subsection (a) of this Section",

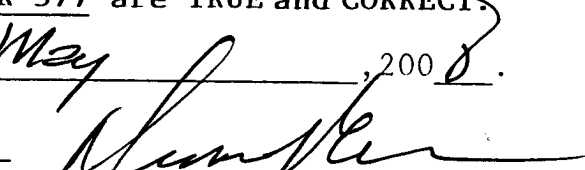
Referencing § 841(a) "(a) Except as authorized by this subchapter," Referencing; § 822(b); which makes it 'lawful' for Persons "[i]n compliance with State and Local Laws" and registered with the Attorney General, to possess, manufacture, distribute, or dispense, controlled substances "[t]o the extent 'authorized' by their registration" Referencing; § 821 for "[r]egulated persons and of regulated transactions". (Id., @ -iii-)

I F it's TRUE that the defendant in a criminal prosecution is 'presumed-innocent' until; "[a]ll the elements necessary to constitute the offence intended to be punished" are proved "beyond a reasonable doubt", then the Official Government Documents Presented to the Court herein, furnish the Court with the Indisputable and UN-questionable prima facia Evidence, that Olson is Serving a 324-month Term of Imprisonment for a "CRIME" . . . NEVER Charged by the Government's lawyers . . . NEVER Charged by the Grand Jury's Indictment . . . NEVER denied by Olson . . . NEVER Admitted by Olson . . . NEVER proved "beyond a reasonable doubt" . . . NEVER Charged in the Jury Instructions and . . . NEVER FOUND by a Jury of Olson's peers, thus, the Jury's Verdict alone DOES NOT 'AUTHORIZE' the Court's Sentence of 324-months Imposed upon Olson!

I, DUANE R. OLSON, hereby Swear and Certify, under the Pains and Penalties Prescribed for Perjury in Title 28, United States Code, Section 1746., that the foregoing AFFIDAVIT and STATEMENT of FACT(S) in CRIMINAL CASE NO: 90 CR 577 are TRUE and CORRECT.

Executed on this 1<sup>st</sup> day of May, 2008.

Applicant/Prisoner/Affiant

  
Duane R. Olson (pro-se)  
Reg. No: 04931-424

**CONCLUSION**

Olson believes He has Presented this Honorable Court with a Convincing and Conclusive Argument Supported by Official Government Documents, Court Records, and Court Transcripts, that Olson has Served nearly 18-years of a 27-year Sentence in Federal Prison for a "CRIME" N E V E R "NOTICED" by the Prosecutors, the SPECIAL APRIL 1990 GRAND JURY, Olson's Counsel, Olson, the District Court, nor . . . the jury of Olson's peers, and . . . **T H E R E F O R E . . .** Olson **DECLARES** that He is procedurally, legally, constitutionally, actually, and factually . . . **I N N O C E N T . . .** of the "CRIME" for which Olson is now Imprisoned, and . . .

**I F** this United States District Court for the Southern District of Florida, Miami Division, Intends to Remain **TRUE** to the Framers' Intent to "[f]orm a more perfect Union, establish Justice \*\*\* and secure the Blessings of Liberty to ourselves and our Posterity", then Olson would Invite this Court to Carefully Scrutinize Olson's DECLARATION of **I N N O C E N C E** and ACT Accordingly . . . as "[l]aw and justice require".

° ° °

**AN APPLICATION FOR  
WRIT OF HABEAS CORPUS RELIEF**

---

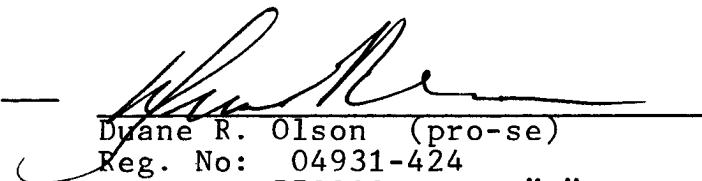
The Applicant and Prisoner herein Identified as DUANE R. OLSON, Respectfully Request's this Honorable Court;

1). To ISSUE an ORDER for the Government's lawyer(s) to SHOW CAUSE WHY Olson should NOT be released from IL-legal, UN-constitutional and FALSE Imprisonment forthwith, and further;

2). Award whatever other Benefits this Honorable Court deems to be Appropriate and Equitable for 18-years of IL-legal and UN-constitutional FALSE Imprisonment!

Respectfully Submitted,

Applicant/Prisoner

  
Duane R. Olson (pro-se)  
Reg. No: 04931-424  
P.O. Box 779800 Unit "C"  
Federal Correctional Institution  
Miami, Florida 33177-0200

**CERTIFICATE OF SERVICE**


I, DUANE R. OLSON, hereby Swear and Certify, Pursuant to the Penalties Prescribed for Perjury in Title 21 U.S.C. § 1746, that a TRUE and CORRECT Copy of the foregoing Fourteen (14) pages of this Application for Habeas Corpus Relief, was mailed First Class, Postage Pre-paid, to the following Interested Party(s);

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
COURTHOUSE SQUARE  
301 NORTH MIAMI AVENUE  
MIAMI, FLORIDA 33128-7788

UNITED STATES ATTORNEY  
99 N.E. 4th STREET  
MIAMI, FLORIDA 33132

Executed on this 1<sup>st</sup> day of May, 2008.

Prisoner/Affiant —

  
Duane R. Olson (pro-se)  
Reg. No: 04931-424  
P.O. Box 779800 Unit "C"  
Federal Correctional Institution  
Miami, Florida 33177-0200



IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

DUANE R. OLSON,  
Applicant/Prisoner,

Versus

REGISTERED MAIL  
7006 0810 0004 9229 4163  
RETURN RECEIPT REQUESTED

MR. JORGE PASTRANA, WARDEN,  
Representing,  
THE UNITED STATES OF AMERICA,  
Respondent/Defendant.

CIVIL ACTION: \_\_\_\_\_

EXHIBITS

EXHIBIT							PAGE
INDICTMENT	*	*	*	*	*	*	[01] THRU [05]
JURY INSTRUCTIONS		*	*	*	*	*	[06] THRU [14]
COURT'S SENTENCE		*	*	*	*	*	[15] THRU [16]
JUDGMENT & COMMITMENT	*	*	*	*	*	*	[17] THRU [18]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

3 wcl 9/4 A  
JUL 26 1990 9/18 C  
No.

ZAGEL

UNITED STATES OF AMERICA

v.

DUANE R. OLSON,  
also known as Duke,  
(hereinafter in this indictment  
referred to only as  
Duane R. Olson), and  
GEORGE A. MORRIS

No. 90 CR 577  
Violations: Title 21,  
United States Code,  
Sections 846 and 841(a)(1),  
and Title 18, United  
States Code, Section 2

9/25/ Stat

COUNT ONE

The SPECIAL APRIL 1990 GRAND JURY charges:

1. From on or about January 30, 1990, until on or about June 26, 1990, at Chicago and Lombard, in the Northern District of Illinois, Eastern Division, and elsewhere:

DUANE R. OLSON and  
GEORGE A. MORRIS,

defendants herein, did conspire with each other and with others unknown to the Grand Jury, knowingly and intentionally to possess with intent to distribute and to distribute approximately 17 kilograms of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. It was part of the conspiracy that defendants DUANE R. OLSON and GEORGE A. MORRIS, possessed with the intent to distribute and distributed quantities of mixtures containing cocaine.

3. It was further part of the conspiracy that on or about June 21, 1990, defendant DUANE R. OLSON distributed approximately

EXHIBIT [01]

250 grams of cocaine to another person (hereinafter "cooperating individual"), who was secretly cooperating with the United States Drug Enforcement Administration and was posing as a drug dealer, in exchange for \$6,500 in cash.

4. It was further part of the conspiracy that on or about June 22, 1990, defendant DUANE R. OLSON met with the cooperating individual, and negotiated to sell the cooperating individual kilogram quantities of cocaine.

5. It was further part of the conspiracy that on or about June 22, 1990, defendant GEORGE A. MORRIS drove from the Northern District of Illinois to Florida to pick up kilograms of cocaine.

6. It was further part of the conspiracy that on or about June 25 and 26, 1990, defendant GEORGE A. MORRIS drove a car containing approximately 16 3/4 kilograms of cocaine from Florida to Lombard, Illinois.

7. It was further part of the conspiracy that on or about June 26, 1990, defendant DUANE R. OLSON and GEORGE A. MORRIS showed approximately 9 3/4 kilograms of cocaine to the cooperating individual.

8. It was further part of the conspiracy that on or about June 26, 1990, defendant GEORGE A. MORRIS, while in possession of the 9 3/4 kilograms of cocaine, met with the cooperating individual for the purpose of delivering the cocaine to the cooperating individual in exchange for \$253,000.

9. It was further part of the conspiracy that on or about June 26, 1990, defendants DUANE R. OLSON and GEORGE A. MORRIS

possessed an additional quantity of cocaine, approximately seven kilograms, which they intended to sell at a later date.

10. It was further part of the conspiracy that the defendants misrepresented, concealed and hid, and caused to be misrepresented, concealed and hidden, the purposes of and the acts done in furtherance of the conspiracy and used coded language, surveillance and counter-surveillance techniques, and other means to avoid detection by law enforcement authorities and otherwise to provide security to the members of the conspiracy.

In violation of Title 21, United States Code, Section 846.

COUNT TWO

The SPECIAL APRIL 1990 GRAND JURY further charges:

On or about June 21, 1990, in the Northern District of Illinois, Eastern Division,

DUANE R. OLSON,

defendant herein, knowingly and intentionally did distribute and cause to be distributed approximately 250 grams of a mixture containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

The SPECIAL APRIL 1990 GRAND JURY further charges:

On or about June 26, 1990, at Lombard, in the Northern District of Illinois, Eastern Division,

DUANE R. OLSON and  
GEORGE A. MORRIS,

defendants herein, knowingly and intentionally possessed with intent to distribute approximately 16 3/4 kilograms of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

A TRUE BILL:

---

F O R E P E R S O N

---

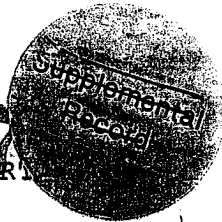
UNITED STATES ATTORNEY

SPS:kjo

97-0203  
97-0270  
CLERK'S FILE COPY

99-357

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION



DOCKETED

NOV 27 1991

UNITED STATES OF AMERICA,



99-3574-T11

FILED

NOV 27 1991

No 90 CR 577

Defendants. H. STUART CUNNINGHAM, Clerk  
CHICAGO, ILLINOIS  
May 2, 1991  
1:00 p.m.  
Trial

U.S.C.A. - 7th Circuit  
FILED

THOMAS F. STRUBBE  
CLERK

VOLUME 6 - PM SESSION  
TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE JAMES B. ZAGEL, and a jury

APPEARANCES:

For the Government:

HON. FRED L. FOREMAN  
United States Attorney, by  
MR. RONALD E. SAFER  
MS. JULIA E. GETZELS  
Assistant United States Attorneys  
219 South Dearborn Street  
Chicago, Illinois 60604

For Defendant Olson:

MR. GREGORY SCHLESINGER  
180 North LaSalle Street  
Suite 1708  
Chicago, Illinois 60601

For Defendant Morris:

MR. DANIEL G. MARTIN  
MR. JOHN F. MURPHY  
219 South Dearborn Street  
Room 1142  
Chicago, Illinois 60604

Ma L. Barnes  
Official Court Reporter  
South Dearborn Street  
Chicago, Illinois 60604  
435-5568

U. S. COURT OF APPEALS

Seventh Circuit

Transcripts Vol. 27 of 28

U.S.C.A. - 7th Circuit  
FILED

DEC - 2 1999 PMS  
GINO J. AGNELLO  
DOC. # CLERK

RECEIVED

DEC 10 1992  
H. STUART CUNNINGHAM  
UNITED STATES DISTRICT COURT

EXHIBIT [06]

Jury Instructions

1 instruct you as to the law applicable to this case.

2 It is your duty to follow all of these instructions. You  
3 must not question any rule of law stated by me in these  
4 instructions. Regardless of any opinion you may have as to  
5 what the law ought to be, you must base your verdict upon the  
6 law given by me.

7 It is your duty to determine the facts from the evidence in  
8 this case. You are to apply the law given to you in these  
9 instructions to the facts and in this way decide the case.

10 You are the sole judges of the credibility of the witnesses  
11 and of the weight to be given to the testimony of each of them.  
12 In considering the testimony of any witness you may take into  
13 account the witness' intelligence, ability and opportunity to  
14 observe, age, memory and manner while testifying, and any  
15 interest, bias or prejudice the witness may have, and the  
16 reasonableness of the witness' testimony considered in the  
17 light of all the evidence in the case.

18 You should judge the testimony of the defendant in the same  
19 manner as you judge the testimony of any other witness.

20 Neither by these instructions, nor by any ruling or remark  
21 which I have made do I mean to indicate any opinion as to the  
22 facts or as to what your verdict should be. You are the sole  
23 and exclusive judges of the facts.

24 Opening statements of counsel are for the purpose of  
25 acquainting you in advance with the facts counsel expect the

**EXHIBIT [07]**



## Jury Instructions

1 Solicitation of the defendant to commit a crime by a  
2 government agent is by itself not sufficient to establish the  
3 entrapment defense.

4 Evidence that the defendant has been convicted of a crime  
5 is to be considered by you only insofar as it may affect the  
6 defendant's credibility as a witness and insofar as it bears on  
7 the defendant's predisposition to commit the crimes charged. \*  
8 Beyond this it must not be considered by you as evidence of  
9 guilt of the crime for which the defendant is on trial.

10 It is lawful for law enforcement officials to use and pay  
11 cooperating individuals in the course of investigations. Law  
12 enforcement officers and persons acting at the direction of law  
13 enforcement officers in the course of official investigations  
14 may legally employ investigative techniques that deceive. They  
15 may also engage in conduct that would otherwise be unlawful if  
16 done by non-law enforcement personnel.

17 Under the law the government is entitled to use stragins,  
18 artifices, ruses, cooperating individuals and undercover agents  
19 or investigators who may conceal their identity as agents of  
20 the government.

21 It is also lawful for the government to obtain evidence  
22 using a concealed tape recorder.

23 In Count 1 of the indictment defendants Duane Olson and  
24 George Morris are charged with conspiracy to distribute and to  
25 possess with intent to distribute cocaine. Title 21, United

EXHIBIT [08]

781

Jury Instructions

States Code, Section 846 provides in pertinent part:

"Any person who conspires to commit any offense defined in this subchapter is guilty of an offense against the United States."

The phrase offense defined in this chapter includes the offenses of distributing or possessing with intent to distribute cocaine.

In order to establish the offense of conspiracy against defendant George Morris the government must prove these elements beyond a reasonable doubt:

One, that the alleged conspiracy existed; and

Two, that the defendant knowingly and intentionally became a member of the conspiracy.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, then you should find the defendant guilty. If on the other hand you find from your consideration of all the evidence that any of these propositions has not been proved beyond a reasonable doubt, then you should find the defendant not guilty.

A conspiracy is a combination of two or more persons to accomplish an unlawful purpose. A conspiracy may be established even if its purpose was not accomplished.

In determining whether the alleged conspiracy existed you may consider the actions and statements of all the alleged

**EXHIBIT [09]**

783

## Jury Instructions

1 beyond a reasonable doubt, then you should find the defendant  
2 not guilty.

3 A conspiracy is a combination of two or more persons to  
4 accomplish an unlawful purpose. A conspiracy may be estab-  
5 lished even if its purpose was not accomplished. In deter-  
6 mining whether the alleged conspiracy existed, you may consider  
7 the actions and statements of all the alleged participants.  
8 The agreement may be inferred from all the circumstances and  
9 the conduct of all the alleged participants. Only the  
10 defendant's own words and acts show whether he joined the  
11 conspiracy, but you may consider the statements of all the  
12 alleged participants to decide what it was that the defendant  
13 did and said or to help you understand the defendant's acts and  
14 words.

15 To be a member of the conspiracy the defendant need not  
16 join at the beginning or know all the other members or the  
17 means by which the purpose was to be accomplished.

18 The government must prove beyond a reasonable doubt that  
19 the defendant was aware of the common purpose and was a willing  
20 participant.

21 Mere association with conspirators or those involved in a  
22 criminal enterprise and mere presence at the scene of the crime  
23 are insufficient to establish defendant's participation in a  
24 conspiracy.

25 In Count 2 of the indictment Duane Olson is charged with

## Jury Instructions

1 the distribution of cocaine. Title 21, United States Code,  
2 Section 841(a)(1) provides in pertinent part:

3 "It shall be unlawful for any person knowingly or  
4 intentionally to distribute or dispense a controlled  
5 substance."

6 To sustain a charge in Count 2 that defendant Duane Olson  
7 distributed cocaine the government must prove the following  
8 propositions beyond a reasonable doubt:

9 First,, that the defendant knowingly and intentionally  
10 possessed a quantity of a mixture;

11 Second, that the defendant knew that the mixture contained  
12 a controlled substance;

13 Third, that the defendant distributed the controlled  
14 substance;

15 Fourth, that the defendant was not entrapped.

16 If you find from your consideration of all the evidence  
17 that each of these propositions has been proved beyond a  
18 reasonable doubt, then you should find the defendant guilty.

19 If on the other hand you find from your consideration of all  
20 the evidence that any of these propositions has not been proved  
21 beyond a reasonable doubt as to a particular count, then you  
22 should find the defendant not guilty.

23 Distribution is the transfer of possession from one person  
24 to another.

25 I instruct you that cocaine is a Schedule 2 narcotic drug

**EXHIBIT [11]**

## Jury Instructions

1 controlled substance.

2 In Count 3 of the indictment defendants Duane Olson and  
3 George Morris are charged with possession of cocaine with the  
4 intent to distribute. Title 21 of the United States Code  
5 provides in pertinent part:

6 "It shall be unlawful for any person knowingly and  
7 intentionally to distribute or dispense or possess  
8 with intent to distribute or dispense a controlled  
9 substance."

10 To sustain the charge in Count 3 that Duane Olson possessed  
11 cocaine with the intent to distribute the government must prove  
12 the following propositions beyond a reasonable doubt:

13 First, that the defendant knowingly and intentionally  
14 possessed the quantity of a mixture;

15 Second, that the defendant knew the mixture contained a  
16 controlled substance;

17 Third, that the defendant possessed the controlled  
18 substance with the intent to distribute it; and

19 Fourth, that the defendant was not entrapped.

20 If you find from your consideration of all the evidence  
21 that each of these propositions has been proved beyond a  
22 reasonable doubt, then you should find the defendant whom you  
23 are considering guilty.

24 If on the other hand you find from your consideration of  
25 all the evidence that any of these propositions has not been

**EXHIBIT [12]**

## Jury Instructions

1 In a moment I'm going to send you back to the jury room,  
2 but I instruct you now that you are not to begin deliberations  
3 under any circumstances until that time that you receive from  
4 the marshal the written instructions which I've just read and  
5 certain other exhibits which I believe and the parties believe  
6 will be helpful to you in your deliberations.

7 Finally, the verdict must represent the considered judgment  
8 of each juror. Your verdict, whether it be guilty or not  
9 guilty, must be unanimous. You should make every reasonable  
10 effort in reaching a verdict. In doing so you should consult  
11 with one another, express your own views and listen to the  
12 opinions of your fellow jurors. Discuss your differences with  
13 an open mind. Do not hesitate to re-examine your own views and  
14 change your opinion if you come to believe it is wrong, but you  
15 should not surrender your honest beliefs about the weight and  
16 effect of evidence solely because of the opinion of your fellow  
17 jurors or for the purpose of returning a unanimous verdict.

18 You should give fair and equal consideration to all the  
19 evidence and deliberate with the goal of reaching an agreement  
20 which is consistent with the individual judgment of each juror.  
21 You are impartial judges of the facts. Your sole interest is  
22 to determine whether the government has proved its case beyond  
23 a reasonable doubt.

24 The marshal come forward. Raise your right hand.

25 (Marshal duly sworn.)

EXHIBIT [13]

788

## Jury Instructions

1 for fear of what he would learn, you may conclude that he acted  
2 knowingly as I have used that word.

3 A defendant need not personally perform every act  
4 constituting the crime charged.

5 Every person who willfully participates in the commission  
6 of a crime may be found guilty.

7 Any person who knowingly aids, abetts, counsels, commands,  
8 induces or procures the commission of a crime is guilty of that  
9 crime. However, that person must knowingly associate with the  
10 criminal venture, participate in it and try to make it succeed.

11 Upon retiring to the jury room you will select one of your  
12 number as your foreperson. The foreperson will preside over  
13 your deliberations and will be your representative here in  
14 court. Forms of verdict have been prepared for you.

15 The forms I will read. The first verdict form: We, the

16 jury, find the defendant Duane R. Olson guilty as charged in  
17 the indictment. This is the form you will use if your verdict  
18 is Duane R. Olson is guilty as charged in all counts in the  
19 indictment.

20 Then there is another verdict form. We, the jury, find the  
21 defendant Duane R. Olson not guilty as charged in the indict-  
22 ment, which is the form you will use if you find that Duane  
23 Olson is not guilty of all of the counts.

24 And then there is a third verdict form. We, the jury, find  
25 the defendant Duane Olson guilty as charged in Counts, and then

**EXHIBIT [14]**



CLERK'S FILE COPY

800

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED

NOV 27 1991

UNITED STATES OF AMERICA,

Plaintiff,

FILED

v.

No. 90 CR 577

NOV 27 1991

DUANE OLSON,

Chicago, Illinois

H. STUART CUNNINGHAM, Clerk September 11, 1991

UNITED STATES DISTRICT COURT 1:00 p.m.

U.S.C.A. - 7th Circuit

FILED

Defendants.

) Sentencing

VOLUME 8

TRANSCRIPT OF PROCEEDINGS

THOMAS F. STRUBBE  
CLERK

BEFORE THE HONORABLE JAMES B. ZAGEL

99-3574

APPEARANCES:

For the Government:

U.S.C.A. - 7th Circuit  
FILED

DEC - 2 1999 PMS

GINO J. AGNELLO  
CLERK

DOC # For Defendant Olson:

HON. FRED L. FOREMAN  
United States Attorney, by  
MR. RONALD E. SAFER  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604

MR. GREGORY SCHLESINGER  
180 North LaSalle Street  
Suite 1708  
Chicago, Illinois 60601

Court Reporter:

Wanda L. Barnes  
Official Court Reporter  
219 South Dearborn Street  
Suite 1918  
Chicago, Illinois 60604  
312 435-5568

EXHIBIT [15]



Fessler - direct

1 perhaps you have in your mind that this admirable thing ought  
2 to be contrasted with, for example, Karl Fessler, who is not a  
3 very admirable man. Clearly not a nice man. I don't think he  
4 was all that persuasive.

5 But, frankly, given his background and his history, I don't  
6 think that you will be standing here today convicted were it  
7 not to for what appeared on tapes, and for one other thing:  
8 for the delivery of 16 kilos of cocaine. Because no matter how  
9 unfortunate it is that there are Karl Fessler's in this world  
10 and no matter how unfortunate it is that the government uses  
11 them -- and I think the government generally concurs with the  
12 proposition that it is unfortunate that they have to use  
13 them -- the fact of the matter is Fessler would never have  
14 testified in this court, you would not be standing in this  
15 court, if you hadn't delivered 16 kilos of cocaine.

16 For that offense Congress sets a guideline range, and I'm  
17 imposing sentence within that guideline range.

18 I impose a sentence of 324 months in the custody of the  
19 Attorney General, which is the minimum sentence that can be  
20 given under this guideline. That is to be followed by ten  
21 years supervised release.

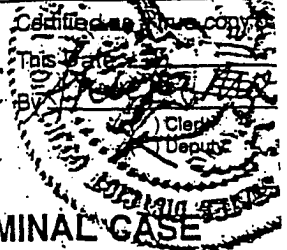
22 Based on my examination of your financial condition, I  
23 waive the fine. I impose the special assessment of \$150.

24 Anything further?

25 MR. SCHLESINGER: Judge, one final matter, and that is

# United States District Court

Northern District of Illinois  
Eastern Division



UNITED STATES OF AMERICA

V.

DUANE R. OLSON

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Case Number: 90 CR 577-1

(Name of Defendant)

Gregory Schlesinger

Defendant's Attorney

## THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_  
☒ was found guilty on count(s) one, two, and three after a  
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846	Conspiracy	6/90	1
21:841(a)(1)	Possession w/intent to distribute Cocaine	6/90	2
21:841(a)(1)	Possession w/intent to distribute Cocaine	6/90	3

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984..

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).  
☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.  
☒ It is ordered that the defendant shall pay a special assessment of \$ 150.00 for count(s) 1, 2, 3, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 203-20-7355

Defendant's Date of Birth: 12/7/28

Defendant's Mailing Address:

71 W. Van Buren Street

Chicago, IL 60605

Defendant's Residence Address:

Same

September 11, 1991

Date of Imposition of Sentence

James B. Zagel

Signature of Judicial Officer

JAMES B. ZAGEL, U.S. DISTRICT JUDGE

Name & Title of Judicial Officer

September 23, 1991

Date

**EXHIBIT [17][1]**

ELECTRONIC

MAY. 7, 2008

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

Defendant: OLSON, Duane R.  
Case Number: 90 CR 577-1

Judgment—Page

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THREE HUNDRED TWENTY-FOUR (324) MONTHS  
Said term of imprisonment to be served concurrently on each of counts 1, 2 and 3.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States marshal.  
☐ The defendant shall surrender to the United States marshal for this district;

☐ at \_\_\_\_\_ a.m.  
☐ p.m. on \_\_\_\_\_  
☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,  
☐ before 2 p.m. on \_\_\_\_\_  
☐ as notified by the United States marshal.  
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this judgment.

United States Marshal

By \_\_\_\_\_

EXHIBIT [18]]